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9 202-223-4884

10 Attorney for Britney J. Spears

11 UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF  
12 CALIFORNIA—LOS ANGELES DIVISION

13 CONSERVATORSHIP OF BRITNEY )  
14 JEAN SPEARS )

CASE NO. CV08-01021

) NOTICE OF REMOVAL OF  
) ACTION UNDER 28 U.S.C. § 1441  
) (b) {Federal Question}

PSC  
(RC

26 \_\_\_\_\_ )  
27 NOTICE OF REMOVAL UNDER 28 U.S.C. § 1441 (B)  
28

FILED  
2008 FEB 14 PM 2:03  
CLERK OF COURT  
CENTRAL DISTRICT OF CALIF.

1 TO THE CLERK OF THE ABOVE ENTITLED COURT:

2 Please take notice that the removing party, Britney J. Spears, hereby removes in  
3 its entirety to this court the state court action described above, as the Conservatorship  
4 of Britney Jean Spears, with the Los Angeles Superior Court case number BP  
5 108870.  
6

7 1. On February 1, 2008, an action was commenced in the Superior Court of the  
8 state of California in and for the County of Los Angeles, entitled  
9 Conservatorship of Britney Jean Spears, with the case number BP 108870. A  
10 copy of the docket is attached hereto as Exhibit "A". The documents have  
11 been sealed, thus making it inappropriate to divulge the initial  
12

13 2. Ms. Spears has not received the benefit of a single hearing before the court;  
14 yet she has been stripped of her right to access counsel of her choosing and to  
15 meet with her counsel in a private meeting.  
16

17 3. Ms. Spears has been denied the right to associate freely with her friends. She  
18 has been denied the right to make or receive telephone calls. She has been  
19 denied the right to operate a motor vehicle, and must be accompanied by  
20 security guards when in public, whether in a motor vehicle or on foot. She has  
21 been denied the right to receive and send mail.  
22

23 4. Additionally, she has been denied the right to her finances; she is not allowed  
24 to access her money or her credit cards.  
25

26 5. This action is a civil action of which this court has original jurisdiction  
27

28 NOTICE OF REMOVAL UNDER 28 U.S.C. § 1441 (B)

1 pursuant to the provisions of 28 U.S.C. § 1441 (b) in that it is a civil action  
2 that touches upon important issues of federal law, to wit whether an adult child  
3 may be subjected by her parents to their complete and total control in that the  
4 petitioner and conservator supplements the medications scheduled under the  
5 Food, Drug, and Cosmetics Act, 21 U.S.C. § 301 et seq., and prescribed to her  
6 by her doctors with a near total deprivation of civil rights.  
7

8  
9 6. It is the unique interplay between those medications covered by the Food,  
10 Drug, and Cosmetics Act, 21 U.S.C. § 301 et seq., and the utterly stifling  
11 control imposed upon her by the conservator that puts this case within the  
12 narrow ambit of the Supreme Court's recent decision of Grable and Sons  
13 Metal Products v. Darue Engineering, 545 U.S. 308 (2005).  
14

15 7. Pursuant to Grable, the case that is removed need not support an independent  
16 cause of action in federal court. Merely, the case needs only to touch upon a  
17 significant area of federal law, while balanced against the Congressional intent  
18 to respect the balance of federal and state judicial responsibilities. Thus even  
19 though there was no pretense of a federal cause of action, the Court recognized  
20 federal question jurisdiction where: (1) the federal question was "important,"  
21 (2) it was the "only" seriously contested issue in the case, (3) a federal forum  
22 was needed to "vindicate [federal] administrative action," and (4) the likely  
23 recurrence of the question was "rare." Grable, 545 U.S. at 315.  
24  
25  
26

27 8. In the instant case, the federal question is important because Ms. Spears'

1 prescribed medications are designed for out-patient use, yet she is being  
2 confined by the conservator to the private prison of her own home, with no  
3 opportunity to enjoy even a modicum of liberty or privacy whatsoever.  
4

5 9. The only seriously contested issue in this case is the interplay between her  
6 confinement and the taking of her prescribed medication. It is submitted to  
7 this court that the deprivation of her civil liberties by the conservator is so  
8 severe as to interfere with the effectiveness of the scheduled medications that  
9 are covered by the Food, Drug, and Cosmetics Act, 21 U.S.C. § 301 et seq.  
10

11 10. A federal forum is needed to determine the nexus between the medications'  
12 disclosures concerning the circumstances of use in an out-patient setting and  
13 the suffocating confinement that Ms. Spears endures at the hands of her  
14 conservator. Pharmaceutical labeling is inherently circumstantial in nature;  
15 for the medication to realize its full effect, the circumstances of her existence  
16 must be taken into consideration by the court.  
17

18 11. In this case, the recurrence of this question would be rare due to Ms. Spears'  
19 unenviable status of having virtually no privacy in her life. Numerous  
20 scientific studies have shown the direct relationship between the lack of  
21 privacy and actual physical illness. Ms. Spears may be the most public person  
22 who has ever lived, and it is unlikely that any competent evidence exists as to  
23 the severity of physical illness attributable to the magnitude of "publicity"  
24 surrounding her nonexistent private life.  
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1 12. Irrespective of the present reality of her existence, Ms. Spears is entitled to  
2 those rights deriving from the first ten amendments of the United States  
3 Constitution and the Fourteenth Amendment. Additionally, due to the nature  
4 of the implementation of the conservatorship, Ms. Spears may be entitled to  
5 relief pursuant to 42 U.S.C. § 1983, et seq.  
6

7 13. Ms. Spears is a litigant in the family law division of the Los Angeles Superior  
8 Court. The matter has been hotly contested. Currently her children are living  
9 with their father as a result of an order of the family law division of the Los  
10 Angeles Superior Court. However, the order is not final. It is doubtful that  
11 Ms. Spears can receive equal protection and a fair trial or hearing in the  
12 custody proceedings because of the intense media scrutiny of what would  
13 normally be private aspects of a person's life.  
14

15  
16 14. The United States District Court, unlike the Los Angeles Superior Court, has  
17 the capacity to issue a nation wide injunction to protect her civil liberties and  
18 provide a measure of relief in the ensuing litigation involving the custody  
19 matter. Nowhere in the Constitution is it written that an individual can be  
20 denied his or her civil liberties because of a lack of privacy. There in fact  
21 exists a penumbra of rights deriving from the first ten amendments of the  
22 Constitution that palpably recognizes a right to privacy. Under the current  
23 circumstances, the conservator is denying Ms. Spears not only her liberty, but  
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1 the ability to participate effectively in the ongoing custody litigation in the Los  
2 Angeles Superior Court.

3  
4 15. While normally in a removal action the District Court must take the plaintiff's  
5 pleadings as it finds them, a different approach is utilized when a colorable  
6 claim of manipulation of pleadings is raised. While issues of liability may not  
7 ordinarily be determined on a motion to remand, it is well settled that upon  
8 allegations of such artful pleading designed to prevent removal, federal courts  
9 may look beyond the pleadings to determine the true intent of the parties.  
10

11 Although fair on its face, the pleading may be a sham or fraudulent device to  
12 prevent removal. The court may pierce the pleadings and consider the entire  
13 record to determine the basis of the case by any means available. See Lewis v.

14 Time, Inc., 83 F.R.D. 455, 460 (E.D.Cal.1979).  
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18 Date: February 14, 2008

By: 

19 Jon Eardley, Esq.  
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EXHIBIT A

# Case Summary

**Case Number:** BP108870  
SPEARS, BRITNEY JEAN - CONSERVATORSHIP

**Filing Date:** 02/01/2008  
**Case Type:** Conservatorship-Pers & Estate (General Jurisdiction)  
**Status:** Pending

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## Future Hearings

**02/14/2008** at 01:30 pm in department 9 at 111 North Hill Street, Los Angeles, CA 90012  
APPT. TEMP CONSERVATOR OF PERSON

**02/14/2008** at 01:30 pm in department 9 at 111 North Hill Street, Los Angeles, CA 90012  
APPT. TEMP CONSERVATOR OF ESTATE

**02/22/2008** at 01:30 pm in department 9 at 111 North Hill Street, Los Angeles, CA 90012  
MOTION/APPL-TEMP RESTRAINING ORDER (PERSON RESTRAINED-OSAMA LUFTI)

**03/10/2008** at 10:30 am in department 9 at 111 North Hill Street, Los Angeles, CA 90012  
APPT. CONSERVATOR OF PERSON

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[Documents Filed](#) | [Proceeding Information](#)

## Parties

COHEN JERYLL S. ESQ. - Attorney for Petitioner  
SPEARS BRITNEY JEAN - Subject Person  
SPEARS JAMES P. - Petitioner  
THOREEN VIVIAN LEE ESQ. - Attorney for Petitioner  
WALLET ANDREW M. - Real Party in Interest  
WYLE GERALDINE A. ESQ. - Attorney for Petitioner

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[Case Information](#) | [Party Information](#) | [Proceeding Information](#)

## Documents Filed (Filing dates listed in descending order)

**02/06/2008** Order-Extending Temporary Letters  
Filed by Attorney for Petitioner

**02/06/2008** Ltr-Temp Conservator of Person  
Filed by Attorney for Petitioner

02/04/2008 Appt. Temp. Conservator of Estate  
Filed by Attorney for Petitioner

02/04/2008 Request (MEDIA REQUEST TO PHOTOGRAPH, RECORD, OR  
BROADCAST )  
Filed by Real Party in Interest

02/04/2008 Order - Other (ON MEDIA REQUEST TO PERMIT COVRGE )  
Filed by Real Party in Interest

02/04/2008 Declaration - Probate (OF VIVIAN LEE THOREEN )  
Filed by Attorney for Petitioner

02/04/2008 Declaration - Probate (OF JAMES P. SPEARS )  
Filed by Attorney for Petitioner

02/04/2008 Declaration - Probate (OF GERALDINE A. WYLE )  
Filed by Attorney for Petitioner

02/04/2008 Notice - Probate (OF PARTIAL W/DRAWAL OF APPL. TO SEAL  
RECORDS )  
Filed by Attorney for Petitioner

02/04/2008 Supplemental Declaration  
Filed by Attorney for Petitioner

02/04/2008 Declaration - Probate (OF JERYLL S. COHEN )  
Filed by Attorney for Petitioner

02/01/2008 Conservatorship of Person  
Filed by Petitioner

02/01/2008 Authority - ExParte Application  
Filed by Petitioner

02/01/2008 Appt. Temp Conservator of Person  
Filed by Petitioner

02/01/2008 Appt. Temp Conservator of Estate  
Filed by Petitioner

02/01/2008 Consent To Act  
Filed by Attorney for Petitioner

02/01/2008 Ord-Appointing Counsel  
Filed by Attorney for Petitioner

02/01/2008 Declaration - Probate (OF LYNNE SPEARS )  
Filed by Attorney for Petitioner

02/01/2008 Petition for Appointment (OF TEMP. CONSERVATOR )  
Filed by Attorney for Petitioner

02/01/2008 Declaration - Probate (OF JAMES P. SPEARS )  
Filed by Attorney for Petitioner

**02/01/2008** Declaration - Probate (OF GERALDINE A. WYLE )  
Filed by Attorney for Petitioner

**02/01/2008** Notice of Lodging  
Filed by Attorney for Petitioner

**02/01/2008** Application - misc (TO SEAL RECORD )  
Filed by Attorney for Petitioner

**02/01/2008** Memorandum - Other  
Filed by Attorney for Petitioner

**02/01/2008** Petition for Appointment (OF TEMP. CONSERVATOR - ESTATE )  
Filed by Attorney for Petitioner

**02/01/2008** Application - misc (TO SEAL RECORD - ESTATE )  
Filed by Attorney for Petitioner

**02/01/2008** Declaration - Probate (OF LYNNE SPEARS - EX PARTE )  
Filed by Attorney for Petitioner

**02/01/2008** Ord-Appt Court Investigator  
Filed by Attorney for Petitioner

**02/01/2008** Order - Other (DISPENSING WITH NOTICE )  
Filed by Attorney for Petitioner

**02/01/2008** Declaration - Probate (OF GERALDINE A. WYLE - EX PARTE )  
Filed by Attorney for Petitioner

**02/01/2008** Declaration - Probate (OF JAMES P. SPEARS - EX PARTE )  
Filed by Attorney for Petitioner

**02/01/2008** Declaration - Probate (OF LYNNE SPEARS - ES PARTE )  
Filed by Attorney for Petitioner

**02/01/2008** Application - misc (TO SEAL RECORD - PERSON )  
Filed by Attorney for Petitioner

**02/01/2008** Ord-Appt Temp Consor of Person (NO BOND )  
Filed by Attorney for Petitioner

**02/01/2008** Ltr-Conservator of Person (NO BOND )  
Filed by Attorney for Petitioner

**02/01/2008** Ord-Appt Temp Consor of Estate (BONND IS FIXED AT \$100,000.00 )  
Filed by Attorney for Petitioner

**02/01/2008** QBond-AMER. CONTRACTORS INDEMNITY (\$50,000.00 - QUALIFYING  
BOND )  
Filed by Attorney for Conservator

**02/01/2008** QBond-AMER. CONTRACTORS INDEMNITY (\$50,000.00 - QUALIFYING  
BOND )

Filed by Attorney for Petitioner

**02/01/2008** Ltr-Temp Conservator of Estate  
Filed by Attorney for Petitioner

**02/01/2008** Notice-Hearing (Probate) (AND TRO )  
Filed by Attorney for Petitioner

**02/01/2008** Request (FOR ORDER TO STOP HARASSMENT )  
Filed by Attorney for Petitioner

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[Case Information](#) | [Party Information](#) | [Documents Filed](#)

**Proceedings Held** (Proceeding dates listed in descending order)  
None

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[Case Information](#) | [Party Information](#) | [Documents Filed](#) | [Proceeding Information](#)



FEB 14 2008

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6 516-876-4213  
7 516-876-6906 (fax)

John A. Cleyke, Executive Officer/Clerk  
By ~~Renee L. R. Danilova~~ Deputy  
2:26 pm

6 LAW OFFICES OF JON EARDLEY  
7 1707 N Street, N.W.  
8 Washington, D.C. 20036  
9 202-223-4884

10 Attorney for Britney J. Spears

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE  
12 COUNTY OF LOS ANGELES--STANLEY MOSK  
13 CONSERVATORSHIP OF BRITNEY ) CASE NO. BP108870  
14 JEAN SPEARS )

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) ACTION UNDER 28 U.S.C. § 1441  
) (b) {Federal Question}

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28 NOTICE OF REMOVAL UNDER 28 U.S.C. § 1441 (B)

1 THE ACTION HAS BEEN REMOVED TO THE UNITED STATES DISTRICT  
2 COURT, CENTRAL DISTRICT OF CALIFORNIA.  
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5 Date: February 14, 2008

6 By: 

7 Jon Eardley, Esq.  
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